

Senate Finance, Ways, and Means Committee Amendment No. 1, as amended

Amendment No. 6 to SB1991

**Henry
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AMEND Senate Bill No. 1991

House Bill No. 2073*

in Section 2 of the printed bill as introduced by deleting the words and punctuation “be calculated based on time of service through June 30, 2003.” and substituting the words and punctuation “not be calculated to include a step for July 1, 2003, and any subsequent July 1 of a fiscal year in which the step increase is not funded in the general appropriations act.”

AND FURTHER AMEND in Section 3 of the printed bill as introduced by deleting the words and punctuation “be calculated based on the time of service through June 30, 2003.” and substituting the words and punctuation “not be calculated to include time of service during fiscal year 2003-2004 and any subsequent fiscal year in which the salary increase is not funded in the general appropriations act.”

AND FURTHER AMEND in Sections 4, 5, 7, and 8 the printed bill as introduced by deleting all of the words and punctuation after the word “suspended” in each such section and by substituting the following words and punctuation in each such section:

for the fiscal year beginning July 1, 2003, and ending June 30, 2004. Such salary increases shall occur in the fiscal year beginning July 1, 2004, and in subsequent fiscal years only if funds are specifically allocated in the general appropriations act for such increases and shall not be calculated to include time of service during fiscal year 2003-2004 and any subsequent fiscal year in which the salary increase is not funded in the general appropriations act.”

AND FURTHER AMEND in Section 7 of the printed bill as introduced by deleting the word “he” in the first sentence.

AND FURTHER AMEND in Section 17 of the printed bill as introduced by deleting the words and punctuation “will be calculated based on the time of service prior to the effective date

Senate Finance, Ways, and Means Committee Amendment No. 1, as amended

Amendment No. 6 to SB1991

**Henry
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FILED

Date _____

Time _____

Clerk _____

Comm. Amdt. _____

AMEND Senate Bill No. 1991

House Bill No. 2073*

of this act.” and substituting the following words and punctuation: “shall not be calculated to include time of service during fiscal year 2003-2004 and any subsequent fiscal year in which the salary increase is not funded in the general appropriations act.”

AND FURTHER AMEND in Section 11 of the printed bill by deleting the language in the first amendatory section and replacing it with the following new language:

Subject to certification by the commissioner of finance and administration that the rainy day fund is likely to fall below one hundred million dollars (\$100,000,000) any notice required by this section may be reduced to a period of time no less than thirty (30) days.

AND FURTHER AMEND in Section 41 by language in the printed version of the bill and replacing it with the following new language:

Tennessee Code Annotated Section 55-4-215 (b) is amended by adding the following language as a new part (4):

(4) Before the revenue allocated in part (1) and (2) of this subsection are granted to the particular local arts organizations or events, an amount not to exceed three hundred ninety three thousand six hundred dollars (\$393,600) may be expended for other grants and activities as determined by the commission.

AND FURTHER AMEND in Section 71 of the printed bill as introduced, by deleting item 38 in its entirety and substituting the following: “(38) Hazardous waste remedial action fund created or referenced in title 68, chapter 212, part 2;”

AND FURTHER AMEND in Section 50 of the printed bill by deleting the amendatory language in its entirety and replacing it with the following language:

Senate Finance, Ways, and Means Committee Amendment No. 1, as amended

Amendment No. 6 to SB1991

**Henry
Signature of Sponsor**

FILED

Date _____

Time _____

Clerk _____

Comm. Amdt. _____

AMEND Senate Bill No. 1991

House Bill No. 2073*

Three and one-fourth cents (3.25¢) of the tax levied by subsection (a) shall, subject to the annual appropriations act, be credited to a special agency account in the state general fund known as the "1986 wetland acquisition fund". If such an allocation is not made in the appropriations act then such amount shall be credited to the general fund."

AND FURTHER AMEND in Section 51 of the printed bill by deleting the amendatory language in its entirety and replacing it with the following language:

One and three-fourth cents (1.75¢) of the tax levied by subsection (a) shall, subject to the annual appropriations act, be credited to a special agency account in the state general fund known as the "local park lands acquisition fund". If such an allocation is not made in the appropriations act then such amount shall be credited to the general fund.

AND FURTHER AMEND in Section 52 of the printed bill by deleting the amendatory language in its entirety and replacing it with the following language:

One and one-half cents (1.5¢) of the tax levied by subsection (a) shall, subject to the annual appropriations act, be credited to a special agency account in the state general fund known as the "state land acquisition fund". If such an allocation is not made in the appropriations act then such amount shall be credited to the general fund.

AND FURTHER AMEND in Section 53 of the printed bill by deleting the amendatory language in its entirety and replacing it with the following language:

One and one-half cents (1.5c) of the tax levied by subsection (a) shall, subject to the annual appropriations act, be credited to a special agency account in the state

Amendment No. 6 to SB1991

Henry
Signature of Sponsor

FILED
Date _____
Time _____
Clerk _____
Comm. Amdt. _____

AMEND Senate Bill No. 1991

House Bill No. 2073*

general fund known as the "agricultural resource conservation fund". If such and allocation is not made in the appropriations act then such amount shall be credited to the general fund.

AND FURTHER AMEND by deleting sections 54, 55, 56, and 57 in their entirety and replace them with the following new appropriately designated sections:

SECTION __: Tennessee Code Annotated, Section 67-4-2004(2)(A)(iii), is amended by adding the following as a new subdivision immediately after the existing subdivision (f) and relettering the remaining subdivisions accordingly:

(g) The holding of participation loans in which more than one (1) lender is a creditor to a common borrower.

SECTION__: Tennessee Code Annotated, Section 67-4-2105, is amended by inserting the words and punctuation "except for a financial institution included in a unitary group of financial institutions otherwise subject to franchise and excise taxes," immediately after the words and punctuation "Notwithstanding any other provision to the contrary," in subsection (f).

SECTION __: Tennessee Code Annotated, Section 67-4-2004(8), is amended by deleting the language in subdivision (8) in its entirety and by replacing it with the following new language:

"Financial institution" means a holding company, any regulated financial corporation, a subsidiary of a holding company or a regulated financial corporation, an investment entity that is indirectly more than 50% owned by a holding company or a regulated financial corporation, or any other person that is

Amendment No. 6 to SB1991

Henry
Signature of Sponsor

FILED
Date _____
Time _____
Clerk _____
Comm. Amdt. _____

AMEND Senate Bill No. 1991

House Bill No. 2073*

carrying on the business of a financial institution. However, "financial institution" does not include insurance companies subject to tax under Tennessee Code Annotated, Sections 56-4-201 through 56-4-214;

SECTION__: Tennessee Code Annotated, Section 67-4-2004, is amended by adding the following as a new subdivision and renumbering the remaining subdivisions accordingly:

"Investment entity" means any person that receives more than 50% of its gross income from investment securities and from the business of a financial institution;

SECTION__: Tennessee Code Annotated, Section 67-4-2004, is amended by adding the following as a new subdivision and renumbering the remaining subdivisions accordingly:

"Investment securities" means for purposes of this section any note, United States treasury securities, obligations of United States government agencies and corporations, obligations of state and political subdivisions, corporate stock and other securities, participations in securities backed by mortgages held by the United States or state government agencies, loan-backed securities, bonds, debenture, evidence of indebtedness, and other similar investments;

SECTION__. The above-mentioned five (5) sections of this act (replacing original Sections 54 through 57) shall take effect upon becoming a law and shall apply to tax years beginning on or after March 13, 2003, the public welfare requiring it.

Amendment No. 6 to SB1991

Henry
Signature of Sponsor

FILED

Date _____

Time _____

Clerk _____

Comm. Amdt. _____

AMEND Senate Bill No. 1991

House Bill No. 2073*

AND FURTHER AMEND by deleting Section 22 of the printed in its entirety and substituting it instead with the following language:

SECTION 22. Tennessee Code Annotated, Section 57-3-306, is amended by adding the following language as subdivision (b)(3):

After making the distribution provided for in subsection (a) and subdivision (b)(2), but before the making the distributions t provided for in subdivision (b)(1), twenty-two and seventy-nine one hundredths percent (22.79%) of the amount otherwise allocated to counties shall be subtracted and distributed to the general fund.

AND FURTHER AMEND by deleting Section 23 of the printed bill in its entirety and by substituting it instead with the following language:

SECTION 23. Tennessee Code Annotated, Section 57-4-306, is amended by adding the following as new appropriately designated subdivisions:

(_) Before making the distributions provided for in this section, twenty-two and seventy-eight one hundredths percent (22.78%) of the amount otherwise allocated to the counties shall be transmitted to the general fund.

(_) Before making the distributions provided for in this section nine percent (9%) of the amount otherwise allocated to municipalities shall be transmitted to the general fund.

AND FURTHER AMEND by deleting Sections 24 and 25 of the printed bill.

AND FURTHER AMEND by deleting Section 26 of the printed bill in its entirety and substituting the following language:

Amendment No. 6 to SB1991

Henry
Signature of Sponsor

FILED
Date _____
Time _____
Clerk _____
Comm. Amdt. _____

AMEND Senate Bill No. 1991

House Bill No. 2073*

SECTION 26. Tennessee Code Annotated, Section 57-5-205, is amended by adding the following as new appropriately designated subdivisions:

(_) Before making the distributions provided for in this section, twenty-two and seventy-three one hundredths percent (22.73%) of the amount otherwise allocated to counties which shall be transmitted to the general fund.

(_) Before making the distributions in this section, nine percent (9%) of the amount otherwise allocated to municipalities which shall be transmitted to the general fund.

AND FURTHER AMEND by deleting section 42 of the printed in its entirety and substituting it instead with the following language:

SECTION 42. Tennessee Code Annotated, Section 67-2-119, is amended by adding the following as a new appropriately designated subsection:

(e) Before making the distributions provided for in subsection (c), twenty-two and seventy-eight one hundredths percent (22.78%) of the amount otherwise allocated to counties shall be transmitted to the general fund. Before making the distributions provided for in subsection (b), nine percent (9%) of the amount otherwise allocated to municipalities shall be transmitted to the general fund.

AND FURTHER AMEND by deleting Sections 43 and 44 of the printed bill.

AND FURTHER AMEND by deleting Section 58 of the printed bill in its entirety and substituting instead with the following language:

SECTION 58. Tennessee Code Annotated, Section 67-4-2017(a)(1), is amended by adding the following as a new subdivision (G):

Amendment No. 6 to SB1991

Henry
Signature of Sponsor

FILED
Date _____
Time _____
Clerk _____
Comm. Amdt. _____

AMEND Senate Bill No. 1991

House Bill No. 2073*

(G) Before making the distributions provided for in this subsection, twenty-two and seventy-eight one hundredths percent (22.79%) of the amount otherwise allocated to the counties shall be transmitted to the general fund.

Before making the distributions provided for in this subsection, nine percent (9%) of the amount paid to the municipalities shall be transmitted to the general fund.

AND FURTHER AMEND by deleting section 64 in its entirety and substituting instead the following:

SECTION 64. Tennessee Code Annotated, Section 67-9-101, is amended by adding the following as a new subsection:

(c) Before making the distributions provided for in subsection (a), nine percent (9%) of such amount otherwise allocated to municipalities shall be transmitted to the general fund.

AND FURTHER AMEND by deleting sections 65 and 66 of the printed bill.

AND FURTHER AMEND by adding the following language as a new section:

SECTION __. Tennessee Code Annotated, Section 67-6-710, is amended by adding the following as a new appropriately designated subdivision under subsection (f):

(3) Before making the distributions to counties of revenue from taxes authorized by § 67-6-702(g) as provided in this subsection, twenty –two and seventy-eight one hundredths percent (22.78%) of the amount otherwise allocated to counties shall be transmitted to the state general fund.

Senate Finance, Ways, and Means Committee Amendment No. 1, as amended

Amendment No. 6 to SB1991

**Henry
Signature of Sponsor**

FILED
Date _____
Time _____
Clerk _____
Comm. Amdt. _____

AMEND Senate Bill No. 1991

House Bill No. 2073*

AND FURTHER AMEND by deleting Sections 10, 12, 13, 14, 19, 25, 27, 38, 39, 40, 61, 62, 73, 74, 75 and 76 of the printed bill in their entirety and renumbering all remaining sections appropriately.

AND FURTHER AMEND by adding the following language as new sections directly preceding the joint severability clause:

SECTION ____ Tennessee Code Annotated, Title 8, Chapter 23, is amended by adding the following new section:

Notwithstanding any law to the contrary, the commissioner of personnel, in consultation with the commissioner of finance and administration, the state treasurer and other affected agency heads, may develop and implement a plan to employ nurses under which an employee may accrue full benefits while working a reduced schedule.

SECTION ____ Tennessee Code Annotated, Section 67-4-1708, is amended by deleting subsection (c) in its entirety.

SECTION ____ Tennessee Code Annotated, Section 67-4-1709, is amended by deleting the language of that section in its entirety and substituting instead the following:

(a) Each individual licensed or registered to engage in a vocation, profession, business, or occupation listed in § 67-4-1702(a) shall be liable for the tax. Any employer, including any governmental entity, may choose, as part of the employee's compensation, to remit the tax imposed by this part on behalf of persons subject to the tax who are employed by such employer.

Amendment No. 6 to SB1991

Henry
Signature of Sponsor

FILED

Date _____

Time _____

Clerk _____

Comm. Amdt. _____

AMEND Senate Bill No. 1991

House Bill No. 2073*

(b) It is the legislative intent that the annual appropriations bill include an appropriation to pay the tax levied by this part on behalf of its full-time employees who are subject to the tax ,as compensation in addition to such employee's other compensation.

SECTION __. Tennessee Code Annotated, Section 2-12-209(a) is amended by designating the current language as subdivision (a)(1) adding the following as a new language as a new subdivision (a)(2):

In years in which the secretary of state is required to reduce the department of state's budget, the secretary is authorized to reduce any appropriations authorized by this section by nine percent (9%).

SECTION __. Tennessee Code Annotated, Title 8, chapter 3, Part 1 is amended by adding the following language as a new appropriately designated section:

(a) The secretary of state is authorized to accept donations from persons, political subdivisions, foundations, corporations, firms or any other business entity for the express purpose of publishing the Tennessee Blue Book. The secretary of state shall control all aspects of the publication and distribution of the book including, but not limited to, complete editorial control, quantity published and distribution. No benefactor shall have authority to interfere with any aspect of development, publication, quantity published or distribution of the book.

(b) The secretary of state will determine the amount of money needed to publish the quantity desired and shall have the sole authority to select the

Amendment No. 6 to SB1991

Henry
Signature of Sponsor

FILED

Date _____

Time _____

Clerk _____

Comm. Amdt. _____

AMEND Senate Bill No. 1991

House Bill No. 2073*

benefactor(s). The funds received shall be used for the publication and distribution of the book. Such funds shall not revert to the general fund but shall be carried forward to the next fiscal year and remain available to the secretary of state until expended for the publications and distribution of future editions. None of these funds shall be used for the payment of employees' salaries.

(c) Acknowledgement of the chosen benefactors shall be included in the preface of the book. An appropriate acknowledgement shall be given based on generosity of the benefactor. Acknowledgement shall be in the form of a letter from the secretary of state acknowledging the gift in a separate listing in the preface of the book. Notwithstanding any provisions of the law to the contrary, a benefactor shall have the first option of being chosen as the benefactor(s) of the next edition of the Tennessee Blue Book.

(d) The secretary of state shall maintain a list of all benefactors that shall include names, addresses and the amount of the benefactor's donation. Such a list shall be open and available to public inspection.

SECTION __Tennessee Code Annotated Section §71-1-104 (b) is amended by deleting the "." at the end of the subsection and inserting the following language and punctuation as follows:

, unless the state finds in its sole discretion that it is in the state's best interest to allow such property and production equipment to be sold to such contractor or his successor at such time as the contractor or his successor shall cease operating a workshop for the benefit of the blind. If the state deems it

Amendment No. 6 to SB1991

Henry
Signature of Sponsor

FILED

Date _____

Time _____

Clerk _____

Comm. Amdt. _____

AMEND Senate Bill No. 1991

House Bill No. 2073*

appropriate to convey such property and production equipment to the contractor, then the amount of remuneration to be paid by the contractor or its successor to the state shall be determined at the time the real property and production equipment is originally conveyed to the contractor, to be based upon the appraised value of the real property and production equipment at the time of the original conveyance to the contractor.

SECTION __. Tennessee Code Annotated, Section 4-31-108(i)(6) is amended by adding the following language at the end of the sentence of the subitem:

in accordance with the applicable provisions of the general appropriations bill.

SECTION __. Tennessee Code Annotated, Section 41-8-106(g) is amended by adding the following new language at the end of the subsection:

The rate of this compensation to such counties shall be determined by and is subject to the level of funding authorized in the appropriations bill.

SECTION __. Tennessee Code Annotated, Section 67-9-102(a)(3) is amended by deleting the words and figures "subdivisions (a)(1)(A) and (D)" and substituting instead the following words and figures "subdivision (a)(1)(A)".

And further amend in the subdivision by inserting after the above-mentioned new language the following new language:

and four thousand sixty dollars (\$4,060) from each payment provided in subdivision (a)(1)(D).

Senate Finance, Ways, and Means Committee Amendment No. 1, as amended

Amendment No. 6 to SB1991

**Henry
Signature of Sponsor**

FILED
Date _____
Time _____
Clerk _____
Comm. Amdt. _____

AMEND Senate Bill No. 1991

House Bill No. 2073*

SECTION___. Tennessee Code Annotated, Section 67-9-102(b)(3) is amended by deleting the words and figures "five cents (\$0.05) per capita or fifty thousand dollars (\$50,000)" and substituting the words and figures "four and fifty-five hundredth cents (\$0.0455) per capita or forty-five thousand five hundred dollars (\$45,500)".

SECTION___. Any sections of this act dealing with the reallocation of state shared taxes shall take effect August 1, 2003, the public welfare requiring it.

SECTION ___. All other unspecified sections of this act shall take effect upon becoming a law, the public welfare requiring it.